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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,773	04/02/2004	Tadashi Oshima	0505-1292PUS1	9958
2292	7590	09/23/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NAGY, MARC I	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,773

Applicant(s)

OSHIMA ET AL.

Examiner

Marc I. Nagy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/01/2004 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" (Figs. 1-5) has been used to designate both air cleaner and front body cover.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" (Figs. 2-5) has been used to designate both side wall portion and mud guards.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "27" (Figs. 1-5) has been used to designate both case main body and engine sub-cover.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" (Figs. 3-5) has been used to designate both lid spring and opening portion.

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7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "33" (Figs. 3-7(b)) has been used to designate both protruding flake portion and heat insulator.
8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "35" (Figs. 2-6) has been used to designate both bottom face portion and curved circular pipe portion.
9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "36" (Figs. 2-6) has been used to designate both slanted face portion and linear circular pipe portion.
10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "37" (Figs. 2-6, 7(b), 8(a)) has been used to designate both drain port and J-shaped exhaust pipe.
11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" (Figs. 2, 4) has been used to designate both drain tube and silencer.
12. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" (Figs. 2, 5-7(b)) has been used to designate both exhaust-use attachment hole and curved portion.
13. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "41" (Figs. 2-3, 5-7(b)) has been used to designate both attachment portion and linear portion.

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14. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "45" (Figs. 2-3, 6-8(c)) has been used to designate both bracket and attachment members.
15. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "46" (Figs. 1, 6-8(c)) has been used to designate both fuel supply equipment and arc-shaped contact plate portion.
16. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "47" (Figs. 2-3, 6-8(a), 8(c)) has been used to designate both blowby gas-use attachment hole and blocking edge plate portions.
17. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "48" (Figs. 2-3, 6-7(a), 8(a)-8(c)) has been used to designate attachment portion, flange-like attachment plate portions and attachment members.
18. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "51" (Figs. 3, 6, 9) has been used to designate both secondary air supply-use attachment hole and belt body.
19. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" (Figs. 3, 6, 9) has been used to designate both attachment portion and adjusting part.
20. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "53" (Figs. 2-3, 9) has been used to designate both attachment portion and engagement part.

21. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 50 as stated on page 19, line 6, as being shown in Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

22. On page 9, line 13, "rid springs 13" should be "lid springs 13".

Appropriate correction is required.

Election/Restrictions

23. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a saddle-riding vehicle and specific heat insulator attaching structure, classified in class 60, subclass 282.
- II. Claims 15-18, drawn to an air cleaner for a saddle-riding vehicle, classified in class 96, subclass 15.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as an air cleaner on a saddle-riding vehicle without a heat insulator attaching structure. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to James M. Slattery on 9/20/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc I. Nagy whose telephone number is 571-272-2758. The examiner can normally be reached on Monday - Friday 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700